



Federal Bureau of Prisons

Northeast Regional Office

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APR 16 2003

U.S. Custom House
2nd & Chestnut Streets
Philadelphia, PA 19106

September 1, 2005

The Honorable Alfred M. Wolin
Senior Judge for the United States District Court
District of New Jersey
MLK Fed. Bldg. & U.S. CtHse.
50 Walnut Street, Room 4069
P.O. Box 999
Newark, New Jersey 07101-0999

RE: Dennis Wright
Register Number: 24226-050
Docket Number: 2:01cr538-07

W H W
Dear Judge Wolin:

The Bureau strives to administer sentences with the intent of the sentencing Court and with the goals of the criminal justice system. As a result of the decision in Barden v. Keohane, 921 F.2d 476 (3rd Cir. 1990), the Bureau of Prisons considers an inmate's request to award prior custody credit toward a federal sentence for time spent in service of a state sentence, as a request for a "Nunc Pro Tunc" designation. Mr. Wright submitted his request to our office pursuant to Bureau of Prisons Program Statement 5160.05, Designation of State Institution for Service of Federal Sentence.

Our records reveal Mr. Wright was in primary custody of the State of New Jersey pending charges for Manslaughter, flee from law enforcement officer, assault, receiving stolen property and unlawful possession of a weapon, when he was "borrowed" by the U.S. Marshals Service pursuant to a Federal Writ of Habeas Corpus Ad Prosequendum on the above docket. On November 4, 2002, he was sentenced in Your Honors Court to 108 months, for Conspiracy to distribute heroin, cocaine and cocaine base, and distribution and possession of heroin. He was then returned to state custody and a detainer was lodged based on the federal sentence. On November 19, 2002, the state of sentenced him to an aggregate term of 6 years, 9 months to 8 years for the earlier mentioned charges. Mr. Wright remains in state custody with a Parole Eligibility date of January 27, 2008. His federal sentence remains lodged as a consecutive detainer.

The Honorable Alfred M. Wolin
September 1, 2005
Page Two

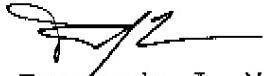
This office understands that the federal Court was made aware of the existing state charges via the Pre-Sentence Investigation Report and the Writ of Habeas Corpus. At the time of federal sentencing, comments or recommendations were not made to the effect of how the federal sentence should run in relation to yet to be imposed state sentence.

It is the preference of the Bureau of Prisons that the federal sentencing Judge be given an opportunity to make a recommendation which, while not binding, can be helpful in our determination of whether to grant or deny a request for nunc pro tunc designation. Should the designation be granted, the Bureau will commence Mr. Wright's federal sentence on the date imposed, November 4, 2002. If it was the Court's intent that the federal sentence run consecutive to the state sentence, the federal sentence will not start until Mr. Wright is released from state custody.

Please advise us as to the Court's intent at the time of sentencing or, in the absence of such intent, whether the Court now objects to the concurrent running of the federal sentence.

Your assistance in this matter is greatly appreciated. If you need further information, please feel free to contact me at (215) 521-7370.

Sincerely,



Fernando J. Messer
Regional Inmate Systems Administrator

I object

I do not object


The Honorable Alfred M. Wolin 
Senior U.S. District Judge for the District of New Jersey

cc: Bruce Repetto, AUSA
Andrea P. Turiello, USPO
ISM
Inmate